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Date: 14 June 1982

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REMARKS

Tom - DDCI concurs; shd attend

6/14/82 - notified OC/NIC that [redacted] should attend SIG.

6/14/82 1435 hrs. - phoned CIA concurrence [redacted] to Tain Tompkins Dept State Executive Secretariat

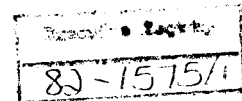
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FROM: (Name, org. symbol, Agency)

Room No. Bldg. 2G09 Headquarters

Phone No.

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14 June 1982

DDI- 4820-82

MEMORANDUM FOR: Director of Central Intelligence
Deputy Director of Central Intelligence

VIA: Deputy Director for Intelligence *P26 J. R. G.*
Director of Global Issues

FROM:
Chief, Geography Division, OGI

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SUBJECT: Interagency Report to the President on Law of the
Sea

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1. Action Requested: Your concurrence is sought on the attached draft Interagency Report for the President, which addresses US policy direction on the oceans in the aftermath of the Third UN Conference on the Law of the Sea (LOS), and presents five major issues for decision. The final Report is due at the White House in June. SIG-level clearance of the draft by agency principals must be made by 4:00 p.m. Monday, 14 June. It can be phoned directly to Mr. Tain Tompkins, Department of State, at 632-5804 or can be relayed via the undersigned on extension . Should it be necessary, a SIG meeting on this Report, chaired by Undersecretary of State James Buckley, will be held at 10:30 a.m. Tuesday, 15 June, in Room 7516 of the Department of State. Final agency positions on the five issues for decision will later be sought by the NSC, and there is likely to be an NSC-level interagency meeting in the next two weeks to resolve any major differences.

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2. Background: The Law of the Sea Conference concluded its substantive negotiations on 30 April 1982 by adopting an LOS Convention over US objection. Israel, Turkey, and Venezuela joined the United States in voting against adoption while six Common Market nations, the Soviet Bloc except Romania, Spain, and one developing country, Thailand, abstained. The Group of 77 developing countries refused to negotiate the concerns the United States has with the seabed texts, preferring to sit pat on a document that incorporates some of the Third World's criteria for a "new international economic order." The Convention, by and large, meets the security and navigational needs of the United States, but the seabed mining regime it would establish falls far short of meeting the six basic objectives outlined by President Reagan on 29 January. (C)

It is not possible at this juncture to state whether, or when, the Convention will enter into force. It seems safe to assume that there will be more than enough signatures (50) at the signing ceremony in Caracas in December to establish the Preparatory Commission that will draft preliminary rules and regulations for seabed mining pending the startup of the

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International Seabed Authority. Ratification and accession, however, is another question. There are more than enough developing countries (125) to gain the 60 ratifications required to bring the Convention into force but a Treaty supported only by the Third World cannot purport to be a truly universal Convention. ☐

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The key to the success of the Convention, then, is the attitude of our industrial allies and the Soviet Bloc. Most of the States in these two groupings appear poised to sign the Convention but they probably will be reluctant to ratify until they see which way the political winds blow. The LOS Convention will be an expensive Treaty for any industrial state to accede to and it appears likely that most will hold off until they determine whether enough developed states ratify to keep their individual financial obligations within reasonable limits. ☐

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It is also difficult to assess the prospects for success of a Reciprocating States Agreement (RSA) to serve as an alternative regime for seabed mining among states that intend to sponsor seabed miners. The United States, France, West Germany, and the United Kingdom have enacted supporting legislation but the three European states may be reluctant to initial the RSA at this time and thereby draw the ire of the developing countries. Without the participation of these states, other Western states are not likely to join such a pact. ☐

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3. Major Issues for Decision: The Interagency Group believes that it currently needs Presidential guidance on such key questions as the relationship of the United States to the LOS Convention, the need for an alternative seabed regime, and preparation of a strategy to protect US navigational interests. To this end, the Report lists the following major issues for decision:

- Issue 1: Should the United States decide to sign the LOS Convention as adopted by the Conference?
- Issue 2: Should a decision on signing be made now or be deferred?
- Issue 3: Should the United States discontinue all further participation in the Law of the Sea Conference process or take part in the Drafting Committee, informal plenary, and the Caracas session?
- Issue 4: Should the United States sign the Final Act at Caracas and participate in the Preparatory Commission?
- Issue 5: What stand, if any, should the United States take with regard to possible efforts by other countries to amend the seabed texts of the LOS Convention? ☐

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4. Recommendations: From an intelligence viewpoint the Report to the President adequately describes the current situation facing the United States in the aftermath of the official negotiating phase of the LOS Conference. The document appropriately presents for Presidential decision those significant issues which must be addressed by the agencies that will pursue US oceans interests for the foreseeable future. We recommend that the Agency concur in passing this document to the NSC. CIA will have the opportunity to address the above specific issues for decision when the NSC later seeks formal agency positions. ☐

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Attachment:
As stated

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